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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,983	06/23/2000	Edward A. Hubbard	UNTD:013	1376
29444	7590	05/14/2004	EXAMINER	
KELLY KORDZIK WINSTEAD SECHREST & MINICK P.C. 5400 RENAISSANCE TOWER DALLAS, TX 75270			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2143	7
DATE MAILED: 05/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,983

Applicant(s)

HUBBARD, EDWARD A.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28, 30-32, 35-39, 41-42 and 45-46 is/are rejected.
- 7) ☒ Claim(s) 29, 33-34, 40 and 43-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on February 13, 2004 (Paper No. 8). The amendment filed on February 13, 2004 has been entered and made of record. The original application contained *claims 1-23*. In the amendment filed on February 13, 2004, the Applicants canceled *claims 1-23* and added *claims 24-46*. There are *no claims* allowed. Hence, *claims 24-46* are presented for further consideration and examination.

Specification

2. The abstract of the disclosure is objected to because of the following informalities:
 - the abstract does not clearly describe the invention
 - "for" (position 1, line 2, abstract) is not necessary.

Please make the appropriate corrections. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of *claim 1* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. Please provide drawings (such as state

diagrams) showing the steps described in the specification. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because they are not presentable. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Response to Argument

5. The Applicants' arguments with respect to *claims 24-46* have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. *Claims 24-25, 35-36 and 45-46* are rejected under 35 U.S.C. 103(a) as being unpatentable over Suarez (US005790789) and in view of "*GIMPS Finds First Million-Digit Prime, Stakes Claim to \$50,000 EFF Award. 2^{6,972,593}-1 is now the Largest Known Prime*" (www.mersenne.org).
8. With regard to *claims 24-25, 35-36 and 45-46*, Suarez reference discloses,
 - *providing a first processing service (service, unit of work) selected from the processing services in response to the first Host distributed device (computer hosts 12) coupling to the network to process workloads for the distributed processing system; and (Suarez, col.6, lines 12-29; col.7, lines 4-13; col.9, lines 40-64; col.12, lines 37-64; fig.1-2; Suarez teaches of a distributed computing*

system that includes a plurality of hosts to perform cooperative or collaborative services concurrently or sequentially in relation with other hosts)

- *updating capabilities of the processing services in response to the first Host distributed device coupling to the network to process workloads for the distributed processing system. (Suarez, col.13, lines 39-67; col.21, lines 37-51; Suarez teaches of updating the availability of services through registering with the main database)*

However, Suarez reference does not explicitly disclose,

- *generating an offer to provide processing services as an incentive for a Host distributed device to couple to the network as one of the multiplicity of Host distributed devices, wherein the processing services are available only by a processing capability provided by the distributed processing system;*

www.mersenne.org teaches,

- *generating an offer to provide processing services as an incentive for a Host distributed device to couple to the network as one of the multiplicity of Host distributed devices, wherein the processing services are available only by a processing capability provided by the distributed processing system;*
(www.mersenne.org teaches of utilizing the “distributed computing power harnessed by Entropia.com’s PrimeNet system” to compute the largest prime number known at the time and to “offer a means of financial compensation for computer time contributed to its customers’ computing projects”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine www.mersenne.org reference with Suarez reference to offer a means of financial compensation for computer time contributed

to its customers' computing projects. This can be accomplished in the form of a monetary reward as was the case with the Great Internet Mersenne Prime Search (GIMPS) project.

9. Claims 26-28, 30-32, 37-39 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suarez (US005790789), in view of "GIMPS Finds First Million-Digit Prime, Stakes Claim to \$50,000 EFF Award. $2^{6,972,593}-1$ is now the Largest Known Prime" (www.mersenne.org) and further in view of Liu (US005031089).
10. With regard to claims 26 and 37, Suarez and www.mersenne.org references disclose the invention substantially as claimed,

See *claims 24 and 35* rejection as detailed above.

However, Suarez and www.mersenne.org references do not explicitly disclose,

- *wherein the Server system sends a software agent to the first Host distributed device to monitor operations of the first Host distributed device and request that the distributed processing system process selected workloads in order to enhance operations of the first Host distributed device, wherein the software agent operates independent of a user of the first Host distributed device.*

Liu teaches,

- *wherein the Server system sends a software agent to the first Host distributed device to monitor operations of the first Host distributed device and request that the distributed processing system process selected workloads in order to enhance operations of the first Host distributed device, wherein the software agent operates independent of a user of the first Host distributed device. (Liu,*

col.7, lines 13-41; Liu teaches of having a logic that determines the current state of the workload and transfer out or request in more jobs accordingly)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Liu reference with www.mersenne.org and Suarez references to load balance the workloads of the members of the distributed system as to not overload or underutilize any particular host.

11. With regard to claims 27-28, 30 and 38-39, Suarez, www.mersenne.org and Liu references disclose the invention substantially as claimed,

See *claims 24 and 35* rejection as detailed above.

Furthermore, Liu discloses,

- *wherein the first Host distributed device is assigned a priority for sending Host workloads for processing on the distributed processing system as an incentive for coupling to the network to process workloads for the distributed processing system.* (Liu, col.9, line 64 – col.10, line 9; col.13, lines 16-22)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Liu reference with www.mersenne.org and Suarez references to load balance the workloads of the members of the distributed system as to not overload or underutilize any particular host. Furthermore, by assigning priority levels, the distributive system is able to process jobs with higher priority first.

12. With regard to claims 31-32 and 41-42, Suarez, www.mersenne.org and Liu references disclose the invention substantially as claimed,

See *claims 29 and 35* rejection as detailed above.

Furthermore, Suarez discloses,

- *wherein the database search function is processed by an internet search engine which returns to the first Host distributed device a selection of files in response to the database search function.* (Suarez, col.13, lines 39-67; col.21, lines 37-51)

Allowable Subject Matter

13. Claims 29, 33-34, 40 and 43-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Bell et al. (US006574606B1)
 - Eguchi et al. (US004839798)
 - Gigliotti et al. (US006393458B1)
 - Eggleston et al. (US006061660A)
 - Brown (US006195691B1)
 - Kisor (US005964832A)
 - Ciarlante et al. (US006532488B1)
 - Ciarlante et al. (US006594819B1)
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

May 7, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100